

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

DWAYNE STOVALL

Petitioner,

v.

JOHN DOE,

Respondent.

CIVIL ACTION NO.: 4:20-cv-81

ORDER

After an independent and de novo review of the entire record, the undersigned concurs with the Magistrate Judge's Report and Recommendation. (Doc. 8.) Petitioner Dwayne Stovall did not file Objections to the Report and Recommendation.¹ Accordingly, the Court **ADOPTS** the Magistrate Judge's Report and Recommendation as the opinion of the Court, **DISMISSES** Stovall's Petition, construed as a 28 U.S.C. § 2241 petition, (see doc. 8, p. 2), and **DIRECTS** the Clerk of Court to **CLOSE** this case and enter the appropriate judgment. Applying the Certificate of Appealability (COA) standards, which are set forth in Brown v. United States, 2009 WL 307872 at * 1-2 (S.D. Ga. Feb. 9, 2009), the Court discerns no COA-worthy issues at this stage of the litigation, so no COA should issue. 28 U.S.C. § 2253(c)(1); see Alexander v. Johnson, 211 F.3d 895, 898 (5th Cir. 2000) (approving *sua sponte* denial of COA before movant filed a notice of appeal). And, as there are no non-frivolous issues to raise on appeal, an appeal would not be taken

¹ In fact, the service copy of the Report and Recommendation was returned as undeliverable. (Doc. 9.) Stovall's failure to notify the Court of any changes to his address provides a separate, independent reason to dismiss his habeas petition. Local R. 11.1

in good faith. Thus, *in forma pauperis* status on appeal is likewise **DENIED**. 28 U.S.C. § 1915(a)(3).

SO ORDERED, this 28th day of July, 2022.



R. STAN BAKER
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF GEORGIA